



Council Agenda Report

To: Mayor Kearsley and Honorable Members of the City Council

Prepared by: Scott Albright, Senior Planner

Reviewed by: Edward M. Knight, Interim Planning Manager

Approved by: Christi Hogin, City Attorney

Date prepared: July 17, 2003 Meeting date: July 22, 2003

Subject: **MALIBU BAY COMPANY DEVELOPMENT AGREEMENT**

Applicant: Malibu Bay Company

Owner: Malibu Bay Company

Location: Civic Center, Trancas Canyon, and Point Dume areas

RECOMMENDED ACTION: Receive staff report, open public hearing, take public testimony, deliberate and take appropriate action concerning the proposed Malibu Bay Company Development Agreement.

DISCUSSION:

Entitlement Findings

The following is a summary of each of the entitlements that will result from the proposed Development Agreement between the Malibu Bay Company and the City of Malibu. This discussion details each of the specific findings, where applicable, that will be necessary in support of the recommended action.

General Plan Amendments – Civic Center Area

General Plan Amendment No. 01-001(A) – This proposed General Plan Amendment will amend the Land Use Element of the General Plan and create a new land use district to be known as Town Center. This district is specifically intended for the Civic Center area of the City.

This is a legislative action. No findings are required. Please refer to the MBC Administrative Record, Volume VI, pages 1775 and 1776, and Volume IX, pages 2846 and 2847 for specific discussions.

General Plan Amendment No. 01-001(B) – This proposed General Plan Amendment will amend the Land Use Map of the General Plan and re-designate seven parcels owned by the Malibu Bay Company to Town Center. This is a legislative action. No findings are required. Please refer to the MBC Administrative Record, Volume VI, pages 1788 and 1789, and Volume IX, page 2847 for specific discussions.

General Plan Amendment No. 01-001(E) – This proposed General Plan Amendment will amend Section 1.4 Goals, Objectives, Policies and Implementation Measures of the Land Use Element of the General Plan, specifically Land Use Objective 4.3 and its related policies and implementation measures, to reflect the creation of a Town Center district.

This is a legislative action. No findings are required. Staff believes that it is important to establish specific policies, objectives, and implementation measures that are focused on implementing any new policy, such as the creation of a new land use district. Please refer to the MBC Administrative Record, Volume VI, pages 1776-1778, and Volume IX, pages 2848-2850, for specific discussions.

General Plan Amendment – Trancas Area

General Plan Amendment No. 01-001(D) – This proposed General Plan Amendment will re-designate a 15-acre parcel of land, located along Trancas Canyon Road, north of Pacific Coast Highway, from Rural Residential 5 to Rural Residential 1. This is a legislative action. No findings are required. Please refer to the MBC Administrative Record, Volume VI, pages 1644-1645, and Volume IX, page 2850, for specific discussions.

Zoning Text Amendments/Zoning Map Amendments – Civic Center Area

Zoning Text Amendment No. 01-006 – This amendment will create a new commercial zoning overlay district, Town Center. For this action, the proposed district will only be applicable to properties currently owned by the Malibu Bay Company or related entities within the Civic Center area of the City and it establishes development standards that are site specific. In addition, landscaping standards that will be applicable to any property within the overlay are also proposed.

M.M.C. Section 17.74.040.C requires any proposed Zoning Text Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, and will further the goal of creating a town center for the City. Please refer to the MBC Administrative Record, Volume VI, pages 1778-1788, and Volume IX, pages 2850-2859, for specific discussions.

Zoning Map Amendment No. 01-002 – This amendment will amend the Zoning Map to include the seven Malibu Bay Company lots, located within the Civic Center area, within the proposed Town Center overlay district.

M.M.C. Section 17.74.050.E requires any proposed Zoning Map Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, as the subject parcels have been designated for Town Center land uses in the General Plan. Please refer to the MBC Administrative Record, Volume VI, pages 1789-1790, and Volume IX, page 2859, for specific discussions.

Zoning Text Amendments/Zoning Map Amendments – Trancas Area

Zoning Text Amendment No. 01-009 – This amendment will amend Section 17.42.020 of the Malibu Municipal Code (M.M.C.) adding new language allowing overlay districts to replace the requirements of Section 17.08.05 of the M.M.C. on lot development criteria for RR1 (Rural Residential with a minimum lot size of 1 Acre).

M.M.C. Section 17.74.040.C requires any proposed Zoning Text Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, and is required to achieve consistency between the General Plan and Zoning Ordinance. Please refer to the MBC Administrative Record, Volume VI, pages 1648-1649, and Volume IX, page 2860, for specific discussions.

Zoning Text Amendment No. 01-010 – This amendment will create a new commercial zoning overlay district, West Zuma Commercial (WZC). The proposed district, which will only be applicable in the Trancas area of the City, and is intended to only be utilized on the existing Trancas commercial site, establishes site specific development standards.

M.M.C. Section 17.74.040.C requires any proposed Zoning Text Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, and will enhance the development of this commercially designated site. Please refer to the MBC Administrative Record, Volume VI, pages 1570-1587, and Volume IX, pages 2860-2863, for specific discussions.

Zoning Map Amendment No. 01-006 – This amendment will amend the Zoning Map to include the Trancas Commercial site within the West Zuma Commercial overlay district.

M.M.C. Section 17.74.050.E requires any proposed Zoning Map Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, and will result in enhanced development

on the subject site. Please refer to the MBC Administrative Record, Volume VI, pages 1570-1587, and Volume IX, page 2863, for specific discussions.

Zoning Map Amendment No. 01-007 – This proposed Zoning Map Amendment will re-designate a 15-acre parcel of land, located along Trancas Canyon Road, north of Pacific Coast Highway, from Rural Residential 5 to Rural Residential 1.

M.M.C. Section 17.74.050.E requires any proposed Zoning Map Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, as the subject site is designated for residential development at a density consistent with Rural Residential 1. Please refer to the MBC Administrative Record, Volume VI, page 1645, and Volume IX, page 2863, for specific discussions.

Zoning Text Amendment No. 01-007 – This amendment will create a new residential zoning overlay district, Trancas Canyon. The proposed district is intended for the proposed Trancas residential parcel that is located on the south and west side of Trancas Canyon Road, north of Pacific Coast Highway. This proposed overlay contains language that will specifically address lot width and grading amounts as proposed by the applicant.

M.M.C. Section 17.74.040.C requires any proposed Zoning Text Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, and will enhance the development of this residentially designated site. Please refer to the MBC Administrative Record, Volume VI, pages 1649-1652, and Volume IX, pages 2863-2865, for specific discussions.

Zoning Map Amendment No. 01-006 – This proposal will amend the Zoning Map to include the fourteen lots proposed on the subject site (13 residential lots and 1 open space lot) within the Trancas Canyon overlay district.

M.M.C. Section 17.74.050.E requires any proposed Zoning Map Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, and will enable enhanced residential development consistent with Rural Residential 1 land use standards and the overlay district standards. Please refer to the MBC Administrative Record, Volume VI, page 1645, and Volume IX, page 2865, for specific discussions.

Zoning Text Amendment No. 01-008 – This request will create a custom subdivision overlay district, West Zuma Residential. The proposed district is intended for the proposed Trancas beachfront residential parcel that is located on the south side of Pacific Coast Highway, east of Trancas Canyon Road. This proposed overlay contains

language that will specifically address lot width and grading amounts as proposed by the applicant.

M.M.C. Section 17.74.040.C requires any proposed Zoning Text Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, and will enhance the development of this residentially designated beachfront site. Please refer to the MBC Administrative Record, Volume VI, pages 1721-1727, and Volume IX, pages 2865-2866, for specific discussions.

Zoning Map Amendment No. 01-005 – This request will amend the Zoning Map to include five lots within the West Zuma Residential overlay district.

M.M.C. Section 17.74.050.E requires any proposed Zoning Map Amendment be consistent with the General Plan as adopted. Staff believes that this proposed amendment is consistent with the General Plan, and will enable enhanced residential development consistent with the Single-Family Medium land use standards and the proposed overlay standards. Please refer to the MBC Administrative Record, Volume VI, page 1721-1727, and Volume IX, page 2866, for specific discussions.

Other Entitlements - Civic Center Area

Plot Plan Commercial Review No. 01-005 – This request is for Plot Plan Commercial Review on the Ioki site. The proposal is for the development of 85,000 square feet of new retail/office space and 1,900 square feet of building space for wastewater treatment purposes.

M.M.C. Section 17.62.030 requires that the City find that the proposal conforms to all applicable regulations. The project will be in conformance to the proposed Town Center overlay district standards that are part of the Development Agreement, as well as the other development standards included within M.M.C. Title 17. Please refer to the MBC Administrative Record, Volume VI, pages 1791-1795, and Volume IX, pages 2866-2867, for specific discussions.

Plot Plan Commercial Review No. 01-004 - This request is for Plot Plan Commercial Review on the Chili Cook-Off site. The proposal is for the development of 135,000 square feet of new retail space which includes theaters, specialty retail, a lumberyard, and a Civic Arts Plaza.

M.M.C. Section 17.62.030 requires that the City find that the proposal conforms to all applicable regulations. The project will be in conformance with the proposed Town Center overlay district standards that are part of the Development Agreement, as well as the other development standards included within M.M.C. Title 17. Please refer to the

MBC Administrative Record, Volume VI, pages 1795-1798, and Volume IX, pages 2867-2868, for specific discussions.

Plot Plan Commercial Review No. 01-006 - This request is for Plot Plan Commercial Review on the Island site. The proposal is for the development of 12,088 square feet of new retail/office space.

M.M.C. Section 17.62.030 requires that the City find that the proposal conforms to all applicable regulations. The project will be in conformance with the proposed Town Center overlay district standards that are part of the Development Agreement, as well as the other development standards included within M.M.C. Title 17. Please refer to the MBC Administrative Record, Volume VI, pages 1798-1802, and Volume IX, pages 2868-2869, for specific discussions.

Plot Plan Commercial Review No. 01-007 -This request is for Plot Plan Commercial Review on the St. John's site. The proposal is for the development of 12,000 square feet of new office space including a rebuilt St. John's Urgent Care facility.

M.M.C. Section 17.62.030 requires that the City find that the proposal conforms to all applicable regulations. The project will be in conformance with the proposed Town Center overlay district standards that are part of the Development Agreement, as well as the other development standards included within M.M.C. Title 17. Please refer to the MBC Administrative Record, Volume VI, page 1802-1806, and Volume IX, page 2869-2870, for specific discussions.

Other Entitlements - Trancas Area

Vesting Tentative Parcel Map No. 01-003 – This proposal will subdivide an existing 17.66 acre parcel into three lots: a 12.42 acre commercial lot, and two residential lots, 3.14 acres and 2.10 acres in size. The proposed map has been identified as Vesting Tentative Parcel Map No. 26261.

M.M.C. Section 16.12.130 specifies eight findings that have to be made in order to allow a vesting tentative parcel map. Staff believes these findings can be made and recommends the subdivision of this 17.66 acre lot into three lots. Please refer to the MBC Administrative Record, Volume VI, pages 1567-1570, and Volume IX, page 2870, for discussion and details of each of the specific findings that have to be made.

Vesting Tentative Tract Map No. 01-001 – This proposal will subdivide an existing 24.87 acre parcel into fourteen lots: thirteen residential lots, with a minimum lot size of one acre, and one open space lot, 9.63 acres in size. The proposed map has been identified as Vesting Tentative Tract Map No. 53432.

M.M.C. Section 16.12.130 specifies eight findings that have to be made in order to allow a vesting tentative tract map. Staff believes these findings can be made and recommends the subdivision of this 24.87 acre lot into 14 lots (13 residential lots and one remaining as private open space). Please refer to the MBC Administrative Record, Volume VI, pages 1645-1648, and Volume IX, page 2870, for discussion and details of each of the specific findings that have to be made.

Vesting Tentative Tract Map No. 01-002 – This proposal will subdivide an existing two acre beachfront parcel into five lots. Each lot will be 40 feet in width. The proposed map has been identified as Vesting Tentative Parcel Map No. 24070.

M.M.C. Section 16.12.130 specifies eight findings that have to be made in order to allow a vesting tentative tract map. Staff believes these findings can be made and recommends the subdivision of this 2.00 acre lot into 5 beachfront, residential lots. Please refer to the MBC Administrative Record, Volume VI, pages 1718-1721, and Volume IX, page 2870, for discussion and details of each of the specific findings that have to be made.

Plot Plan Commercial Review No. 01-008 - This request is for Plot Plan Commercial Review on the Trancas commercial site. The project reviewed for the particular application is the Ed Niles Alternative Plan. The proposal is for the development of 60,000 square feet of new retail space. The proposed layout will demolish all buildings on-site, including the “Starbucks” building, which was previously slated to be retained.

M.M.C. Section 17.62.030 requires that the City find that the proposal conforms to all applicable regulations. The project will be in conformance with the proposed West Zuma Commercial overlay district standards that are part of the Development Agreement, as well as the other development standards included within M.M.C. Title 17. Please refer to the MBC Administrative Record, Volume VI, page 1570-1587, and Volume IX, page 2870-2871, for specific discussions.

Variance No. 01-028 – This requested variance is to allow 5,124 cubic yards of non-exempt grading on proposed Lot 2 of the former Riders and Ropers site.

M.M.C. Section 17.72.060 specifies eight findings that have to be made to justify the granting of a variance. Staff believes that these findings can be made and is recommending this variance be granted to allow the excess grading. Please refer to the MBC Administrative Record, Volume VI, pages 1618-1621, and Volume IX, pages 2871, for discussion and details of each of the specific findings.

Plot Plan Review No. 01-059 – This proposal is for the construction of a 6,100 square foot single-family residence on a 3.14 acre lot, on proposed Lot 2 of the former Riders and Ropers site.

M.M.C. Section 17.62.030 does not indicate specific findings that have to be made to approve a plot plan review. However, the proposal must indicate conformance with all applicable regulations. With the exception of the proposed variance for excessive grading, the proposed single-family residential development will be in conformance with the development standards included within M.M.C. Title 17. Please refer to the MBC Administrative Record, Volume VI, pages 1616-1617, and Volume IX, page 2872, for specific discussions.

Minor Modification No. 01-030 – This modification will reduce the required front setback for proposed Lot 3 on the former Riders and Ropers site from 55 feet to 28 feet.

M.M.C. Section 17.72.100.B specifies five findings that have to be made to justify the granting of a minor modification. Staff believes that these findings can be made and is recommending this modification be granted to allow the reduced front yard setback. Please refer to the MBC Administrative Record, Volume VI, pages 1629-1631, and Volume IX, page 2872, for discussion and details of each of the specific findings.

Variance No. 01-029 – This variance is requested in order to allow the proposed residence constructed on Lot 3 of the former Riders and Ropers site to have a second floor area in excess of 2/3 the first floor area.

M.M.C. Section 17.72.060 specifies eight findings that have to be made to justify the granting of a variance. Staff cannot make the findings to support this request, and is recommending against granting this variance of the 2/3 rule. Please refer to the MBC Administrative Record, Volume VI, pages 1626-1629, Volume IX, page 2872, and Volume X, pages 2969-2970 for discussion and details of each of the specific findings. Staff further recommends that a condition be placed on the Plot Plan Review requiring the applicant reduce the floor area of the second floor to not exceed 2/3 the area of the proposed first floor.

Variance No. 01-031 – This variance would allow for construction to occur on slopes greater than 2½:1. The subject site is proposed Lot 3 of the former Riders and Ropers site.

M.M.C. Section 17.72.060 specifies eight findings that have to be made to justify the granting of a variance. Staff believes that these findings can be made and is recommending this variance be granted to allow construction on slopes steeper than 2½:1. Please refer to the MBC Administrative Record, Volume VI, pages 1623-1626, and Volume IX, page 2872, for discussion and details of each of the specific findings.

Site Plan Review No. 01-081 – This proposal would allow a residence to be constructed to a height of 28 feet. The subject site is proposed Lot 3 of the former Riders and Ropers site.

M.M.C. Section 17.62.040.D. specifies seven findings that have to be made to approve a Site Plan Review and allow a height increase over 18 feet and up to 28 feet. Please refer to the MBC Administrative Record, Volume VI, pages 1631-1633, and Volume IX, pages 2872-2873, for discussion and details of each of the specific findings. In addition, while staff is able to make the necessary findings to allow the requested height, staff believes that the proposed structure may exceed the maximum height of 28 feet, as measured from natural grade. Staff recommends the applicant revise the plans to show a maximum height of 28 feet as measured from the natural grade of the site. In addition, staff notes that the recommendation is for denial of the 2/3 rule variance, which will result in a re-design of the structure. Staff believes that this redesign will reduce the bulk of the second-story; therefore, any view impacts should be lessened. However, the reduction of the second-story should not be done in a manner that alters the location of the first-story. If the location of the building changes, then the site plan review would be invalidated.

Plot Plan Review No. 01-060 - This proposal is for the construction of a 6,800 square foot single-family residence on a 2.10 acre lot on proposed Lot 3 of the former Riders and Ropers site.

M.M.C. Section 17.62.030 does not indicate specific findings that have to be made to approve a plot plan review. However, the proposal must indicate conformance with all applicable regulations. Please refer to the MBC Administrative Record, Volume VI, pages 1621-1623, and Volume IX, page 2873, for specific discussions of this plot plan review. In addition, staff is recommending the following conditions be placed on this particular plot plan review:

- The area of the second floor is reduced so as to not exceed 2/3 the area of the first floor area. According to staff's calculations, 1,256 square feet will need to be removed from the second floor in order to bring the structure into compliance with the applicable requirements.
- The location of the proposed location and/or footprint of the proposed structure will not be altered. If the location and/or footprint does change, this plot plan review and related site plan review will become null and void. A revised application will be necessary should this occur.

Minor Modification No. 01-039 - This modification will reduce the required front setback for proposed Lot 7 on the Trancas Canyon site from 65 feet to 32.5 feet.

M.M.C. Section 17.72.100.B specifies five findings that have to be made to justify the granting of a minor modification. Staff believes that these findings can be made and is recommending this modification be granted to allow the reduced front yard setback on Lot 7. Please refer to the MBC Administrative Record, Volume IX, pages 2873-2875, for discussion and details of each of the specific findings.

Plot Plan Review Nos. 01-046 through 01-058 - These plot plan approvals would allow the construction of 13 single-family residences, ranging in size from 6,500 square feet to 7,360 square feet, on minimum one-acre lots, on the Trancas Canyon residential site.

M.M.C. Section 17.62.030 requires that the City find that the proposal conforms to all applicable regulations. With the exception of the proposed minor modification on proposed Lot 7 to allow a reduced front yard setback, the proposed 13 single-family residential development sites will be in conformance to the proposed Trancas Canyon Overlay District standards, as well as other development standards included within M.M.C. Title 17. Please refer to the MBC Administrative Record, Volume VI, pages 1652-1657, and Volume IX, page 2873, for specific discussions.

Plot Plan Review Nos. 01-041 through 01-045 - These plot plan approvals would allow the construction of 5 single-family, beachfront residences, on 40-foot wide lots, on the Trancas beachfront residential site.

M.M.C. Section 17.62.030 requires that the City find that the proposal conforms to all applicable regulations. The proposed 5 single-family residential development sites will be in conformance to the proposed West Zuma Residential Overlay District standards, as well as other development standards included within M.M.C. Title 17. Please refer to the MBC Administrative Record, Volume VI, pages 1727-1730, and Volume IX, page 2875, for specific discussions.